

**MAGMA COPPER COMPANY
FLORENCE PROJECT
14605 EAST HUNT HIGHWAY
FLORENCE, ARIZONA 85232
PHONE 1-520-868-5094
FAX NUMBER 1-520-868-0463**

NUMBER OF PAGES INCLUDING THIS PAGE: 5

FROM: JOHN KLINE

DATE: June 19, 1995

TO: Jose Gutierrez

COMPANY: Region IX EPA

FAX NO. 1-415-744-1235

VERIFICATION NUMBER: 1-415-744-1829

COMMENTS:

Dear Jose,

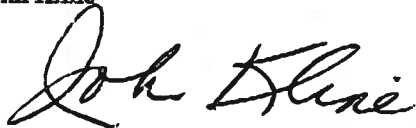
We are in the process of preparing the Biologic Assessment (BA) for Section 7 consultation with US Fish and Wildlife based upon the recent letter from them to you. The field surveys are complete and the draft BA report is being prepared by our biologic consultants SWCA Environmental Inc. out of Tucson, Arizona. Section 7 consultation requires only consultation on threatened and endangered species; however, the BA will include the candidate species also since Both Fish and Game and US Fish and Wildlife will ask about them anyway.

I had asked Arizona Game and Fish for sensitive species status in February of this year in order to obtain budgetary estimates for the sensitive species. Since they have not responded to your request yet, this letter may aid them in preparing their response. I think they surveyed their system to generate this list for Magma earlier this year. The Sonoran Tortoise is on both lists as we expected, so the BA will include discussion of this species. I know you have called Arizona Game and Fish several times. Perhaps a copy of their letter to me would help move the consultation along.

Please call should you have any questions.

regards

John Kline



MAGMA

M A G M A C O P P E R C O M P A N Y

February 14, 1995

Nancy Olson
Arizona Fish and Game Department
2222 West Greenway Road
Phoenix, Arizona, 85023

Dear Ms. Olson,

Magma Copper Company is about to begin a biologic resource evaluation program in anticipation of consultation with U.S. Fish and Wildlife as was noted in our phone conversation today. Glen Frederick of Region V suggested that I contact you and request that you check the HDMS database for sensitive species for the proposed mine site area. U.S Fish and Wildlife has already submitted a list of the T&E and categorical species of interest for the area.

The site is located between the Gila River and Hunt Highway about 2-3 miles northwest of the City of Florence. Specifically, the area of interest includes Sections 26, 27, 28, 29, 32, 33, and 34 of Range 9E, Township 4S.

Magma will have our consultants review the species lists and develop a survey plan prior to starting the field work. We will review the plan with Arizona Fish and Game as requested by you and Glen Frederick. We look forward to your input.

Please mail the database results to:

John T. Kline
Environmental Project Manager
Magma Copper Company
Florence Project
14605 East Hunt Highway
Florence, Arizona 85232

Your help in this matter is appreciated. If you have any questions, please call me at 868-5094.

Sincerely,



John T. Kline

THE STATE



OF ARIZONA

GAME & FISH DEPARTMENT

2221 West Greenway Road, Phoenix, Arizona 85023-4399 (602) 942-3000

Governor
Fife Symington*Commissioners:*
Chairman Elizabeth T. Woodin, Tucson
Arthur Porter, Phoenix
Norie Johnson, Snowflake
Michael M. Golightly, Flagstaff
Herb Guenther, Tucson*Director*
Duane L. Shroufe*Deputy Director*
Thomas W. Spalding

February 27, 1995

Mr. John T. Kline
Environmental Project Manager
Magma Copper Company
Florence Project
14605 East Hunt Highway
Florence, Arizona 85232

Re: Special Status Species; Proposed Mine Site, Florence, Arizona

Dear Mr. Kline:

The Arizona Game and Fish Department (Department) has reviewed your letter, dated February 14, 1995, regarding special status species in the vicinity of the above-referenced area, and the following information is provided.

The Department's Heritage Data Management System has been accessed and current records show that the Sonoran desert tortoise (Gopherus agassizii) has been documented as occurring in the project vicinity (Township 4 South, Range 9 East, Sections 26-29, 32-34). As defined below, this species is identified as a Category 2 Candidate by the U.S. Fish and Wildlife Service (USFWS) under the Endangered Species Act (ESA), and is a State Candidate species in the Department's listing of Threatened Native Wildlife in Arizona (TNW). The desert tortoise is also considered U.S. Forest Service Sensitive by the Regional Forester when occurring on lands managed by the U.S.D.A. Forest Service. In addition, a copy of the Department's Guidelines for Handling Sonoran Desert Tortoises is included for your reference.

- C2 - Category 2 Candidate as identified by the USFWS under ESA. Species being considered for listing as Threatened or Endangered pending more information.
- SC - State Candidate on the Department's TNW list. Species with known or suspected threats, but for which substantial population declines from historical levels have not been documented.

Mr. John T. Kline
February 27, 1995
2

Thank you for the opportunity to provide this information. If you have any questions, please contact me at (602) 789-3600.

Sincerely,

Nancy Olson

Nancy Olson
Project Evaluation Specialist
Habitat Branch

NLO:no

Enclosure

cc: Gerry Perry, Regional Supervisor, Region V, Tucson

AGFD# 02-16-95(02)

GUIDELINES FOR HANDLING SONORAN DESERT TORTOISES
ENCOUNTERED ON DEVELOPMENT PROJECTS
Arizona Game and Fish Department
Revised November 29, 1993

Desert tortoises of the Sonoran population are those occurring south and east of the Colorado River. Tortoises encountered on short-term projects (less than one week), and not in a burrow should be moved out of harm's way to adjacent appropriate habitat. A tortoise should be moved no further than necessary, not to exceed 0.1 mile from its original location. If it is necessary to move a tortoise more than 0.1 mile to safeguard the tortoise, the Arizona Game and Fish Department (Department) should be contacted to place the tortoise into a Department-regulated desert tortoise adoption program. Moving a tortoise should be done quickly, handling the tortoise as little as possible, while keeping the tortoise in an upright position at all times. If more than one tortoise is to be handled, separate disposable gloves should be worn for each one to avoid potential transfer of disease between tortoises.

If a burrow of a specific tortoise is determined to be in jeopardy of destruction, the tortoise should be relocated to the nearest appropriate alternate burrow, as determined by a qualified biologist. Failure to locate a suitable burrow nearby could mean death for a tortoise, especially during May, June or July, before the onset of the summer rains, or during the winter brumation (hibernation) in December, January and February. If a suitable burrow cannot be found nearby, the tortoise should be placed in an adoption program.

Tortoises salvaged from projects which result in substantial permanent habitat loss (e.g. housing and farm developments), or those requiring removal during long-term (longer than one week) construction projects, will also be placed in desert tortoise adoption programs. Managers of projects likely to affect desert tortoises should apply for a Department handling permit to facilitate temporary possession of tortoises. Likewise, if large numbers of tortoises (>5) are expected to be displaced by a project, the project manager should contact the Department for guidance and/or assistance.

Please keep in mind the following points:

- These guidelines do not apply to the Mohave population of desert tortoises which are found to the north and west of the Colorado River. Mohave desert tortoises are specifically protected under the Endangered Species Act, as administered by the U.S. Fish and Wildlife Service.
- These guidelines are subject to revision at the discretion of the Department. We recommend that the Department be contacted during the planning stages of any project that may affect the desert tortoise.
- Take, possession or harassment of a desert tortoise is prohibited by state law. Unless specifically authorized by the Department, or as noted above, project personnel should avoid disturbing any tortoise.

RAC:NLO:rc